

COPY

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT NO. 1199

T06-0068

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("Commission"), the Norfolk Southern Railroad Company ("Company"), Vance Township Road District ("Township" or "Road District"), and the State of Illinois, Department of Transportation ("Department").

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through staff evaluation that inquiry should be made into the matter of improving public safety at the 400E (TR 54) highway-rail grade crossing of the Company's track near Fairmount, Vermillion County, Illinois, designated as crossing AAR/DOT #479 889U, railroad milepost 316.33-WA; and

WHEREAS, proper investigation has been made of the circumstances surrounding the subject crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to this Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish proposed improvements to the crossing upon determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law, 625 ILCS 5/18(c)-7401, requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the traveling public the Grade Crossing Protection Fund ("GCPF") of the Motor Fuel Tax Law ("MFT") be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

Section 2 The parties are of the opinion that the following improvements in the interest of public safety at the aforesaid crossing should be:

- (a) Installation of automatic flashing light signals and gates with a bell, controlled by constant warning time circuitry, and equipped with an event recorder, by the Company.
- (b) Installation of temporary STOP signs (if required) at the 400E crossing within 30 days of a Commission Order for the installation of new

DOCKETED

automatic warning devices, by the Company.

- (c) Reconstruction of the highway approaches to meet the minimum requirements of 92 Ill. Adm. Code 1535 and as shown on Exhibit C attached hereto, by the Township.

Section 3 The Company has prepared detailed drawings, circuit plans, required specifications and a preliminary detailed cost estimate to accomplish the proposed safety improvements, which may be required by Commission Order. The drawings, circuit plans, specifications, and cost estimate is attached and incorporated herein by reference as Exhibit B.

The Township has prepared plans and a preliminary estimate of cost to accomplish the proposed approach improvements, which it may be required to perform. Execution of the Agreement by the Department will be considered as its acceptance and approval of all plans and estimates attached hereto as Exhibit C.

Section 4 The Company and the Township shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the completion of the proposed improvements should be twelve (12) months from the date of a Commission Order subsequent to this Agreement.

Section 5 The parties agree that an equitable division of cost for the proposed improvements should be as follows:

- COST DIVISION TABLE -

IMPROVEMENT	EST. COST	GCPF	TOWNSHIP	COMPANY	IDOT
Install Automatic Flashing Light Signals and Gates, controlled by CWT Circuitry	\$169,000	95% \$160,550 ¹	\$0	5% \$8,450 ²	\$0
Reconstruct Existing Highway Approaches	\$49,110	50% \$24,555	Remainder ⁴	\$0	\$0
Install temporary STOP Signs, if ordered	No Estimate Required	\$0	\$0	100% ³	\$0
TOTALS	\$218,110	\$185,105	\$24,555	\$8,450	\$0

Notes:

¹ Total Grade Crossing Protection Fund (GCPF) assistance for installation of the automatic warning devices not to exceed \$160,550 (95%); any installation costs above the estimated amount of \$169,000 will be divided between the GCPF and the Company in the same percentages noted above, upon submittal and review of evidence to support the additional cost and approval by the Commission.

² Company responsible for all future operating and maintenance costs associated with the new automatic warning devices.

³ Company responsible for all future maintenance costs associated with the temporary STOP signs.

⁴ Total Grade Crossing Protection Fund (GCPF) assistance for the roadway approach improvements not to exceed \$24,555; the Township is responsible for all remaining construction costs, as well as all future maintenance of the roadway approaches.

Section 6 The Township is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit D.

Section 7 Special Provisions: Since the approach improvements at the subject crossing will be performed by the Township, flagging and contractor liability insurance will be required for said work.

The Township, according to the approach reconstruction plan attached as Exhibit C, proposes an approximate twenty (20) foot wide roadbed. The Company should contact the Vermillion County Engineer, Robert Andrews, at (217) 431-6682, for coordination of possible field adjustments regarding the signal installation, if necessary.

The Company and the Township shall complete and submit the Project Manager Information portion of the Project Status Report sheet, attached as Exhibit E-1 and E-2, along with this executed Agreement.

The Company and the Township shall, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a Project Status Report, attached as Exhibit E-1 and E-2, regarding the progress each has made toward completion of the work herein required. Each Project Status Report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of the Company and the Township Project Manager.

All bills for expenditures for the approach work specified in Section 2 authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to Joseph Crowe, Region Engineer, District 5 Attn: David Speicher, Engineer of Local Roads and Streets, 13473 IL Hwy 133, P.O. Box 610 Paris, IL 61944. All other bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit, Bureau of Local Roads and Streets, Illinois Department of Transportation, 2300 S. Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement. The Department shall, at the end of the 24th month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

SECTION 8 Billing: For all work specified in Section 2 of this Agreement, and authorized by an Order of the Commission, the Company and Township shall each provide sufficient documentation for all bills. The minimum documentation requirements are:

- a) Labor Charges (including additives) - Copies of employee work hours charged to the Company and/or Township account code for the project.
- b) Equipment Rental - Copies of rental agreements for the equipment used,


including the rental rate; number of hours the equipment was used and the Company and/or Township account code for the project.

- c) Material - An itemized list of all materials purchased and installed at the crossing location. If materials purchased are installed at multiple crossing locations, a notation must be made to identify the crossing location.
- d) Engineering - Copies of employee work hours charged to the Company and/or Township account code for the project.
- e) Supervision - Copies of employee work hours charged to the Company and/or Township account code for the project.
- f) Incidental Charges - An itemized list of all incidental charges along with a written explanation of those charges.
- g) Service Dates - Invoice should include the beginning and ending date of the work accomplished for the invoice.
- h) Final or Progressive - Each invoice should be marked as a Progressive or a Final Invoice.
- i) Reference Numbers - Each invoice should include the AAR/DOT number, the ICC Order number and the state job number when federal funds are involved.

Section 9 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

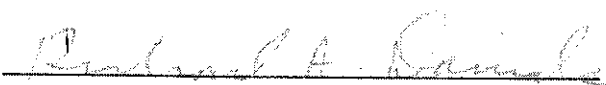
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 25th day of April, 2006.



Michael E. Stead
Rail Safety Program Administrator

Attest:



Richard A. Daniels
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1199, executed by Commission Staff on April 25, 2006, concerning improvements at the 400E (TR 54) highway-rail grade crossing of the Norfolk Southern Railway Company's track near Fairmount, in Vance Township, Vermillion County, Illinois, designated as crossing AAR/DOT #479 889U, railroad milepost 316.33-WA.

Executed by Vance Township this 2nd day of MAY 2006.

VANCE TOWNSHIP

By: Kim Jelley - Supervisor

Attest:

Nola Jensen Vance Twp Clerk

RECEIVED
MAY 16 2006

Illinois Commerce Commission
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. 1199, executed by Commission Staff on April 25, 2006, concerning improvements at the 400E (TR 54) highway-rail grade crossing of the Norfolk Southern Railway Company's track near Fairmount, in Vance Township, Vermillion County, Illinois, designated as crossing AAR/DOT #479 889U, railroad milepost 316.33-WA.

Executed by the Norfolk Southern Railway Company this 18th day of May 2006.

NORFOLK SOUTHERN RAILWAY COMPANY

By: HR Comstock
General Manager

Attest:

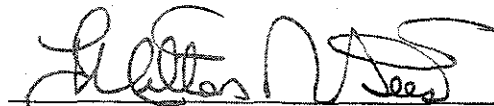
[Signature]
Asst. Corporate Secretary

Illinois Commerce Commission Stipulated Agreement No. 1199, executed by Commission Staff on April 25, 2006, concerning improvements at the 400E (TR 54) highway-rail grade crossing of the Norfolk Southern Railway Company's track near Fairmount, in Vance Township, Vermillion County, Illinois, designated as crossing AAR/DOT #479 889U, railroad milepost 316.33-WA.

Executed by the Illinois Department of Transportation this 6th day of July 2006.

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

By:



Milton R. Sees, Director of Highways/Chief Engineer

**ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT
CROSSING DATA FORM**

GENERAL INFORMATION: See Location Sketch

RAILROAD	Norfolk Southern Railway Company
USDOT#, MILEPOST	479 889U, mp 316.33-WA
STREET, CITY, COUNTY	400E (TR54)
JURISDICTION (RDWY)	Vance Twsp
LOCATION	Rural
STREET SURFACE	gravel, 14 ft

CROSSING DATA: Also see Location Sketch page 3 for roadway profile and track centers

TRACK (W-E or N-S)	SURFACE TYPE	SURFACE WIDTH	SURFACE CONDITION
W-E	Timber & asphalt*	Approx 24	Poor*

ROADWAY DATA: See Location Sketch

INTERSECTING ROADS:	List intersecting roadways, distance and direction See pg 3 (drawing)
TRAFFIC CONTROL	List any devices on the main or intersecting roadways- None
ADT & SPEED	More than 79 Per Day @ 55mph unposted
TRAFFIC TYPE	Passenger, School Busses, Hazardous Materials, Other
ADVANCE WARNING	Yes
PAVEMENT MARKING	None (oil and chip)

RAILROAD DATA: See Location Sketch

FREIGHT TRAFFIC	47 Per day @ 60 MPH, Day & Night
PASSENGER TRAFFIC	none
WARNING DEVICES	crossbucks

NOTES:

* At the time of the inspection on 1-10-06 there were epton rubber strips on site, so staff believes that the railroad is getting ready to reconstruct the crossing surface. Therefore, a requirement to reconstruct the crossing surface is not in the Stipulated Agreement document. But if it turns out that the railroad does not actually reconstruct the crossing surface in a timely manner, then ICC staff will handle the situation by the complaint process.

VISIBILITY STUDY: See Location Sketch

Train Speed	60	MPH
Roadway Speed	55	MPH
Required Stopping Sight Distance (SSD)		
Along Roadway	520	FEET
Along Tracks	650	FEET
Required Clearing Sight Distance (CSD) (Along Tracks)	1440	FEET

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

QUADRANT	CSD (FT)	OBSTRUCTION	SSD (FT)	OBSTRUCTION
NE	ok	N/A	ok, but	With corn it will be 150'
NW	ok	N/A	ok, but	With corn it will be 150'
SE	ok	N/A	ok, but	With corn it will be 150'
SW	ok	N/A	ok, but	With corn it will be 150'

*Note: Automatic flashing light signals and gates (AFLS&G) eliminate the need to satisfy minimum Site Distance criteria.

APPROACH GRADES: See Location Sketch

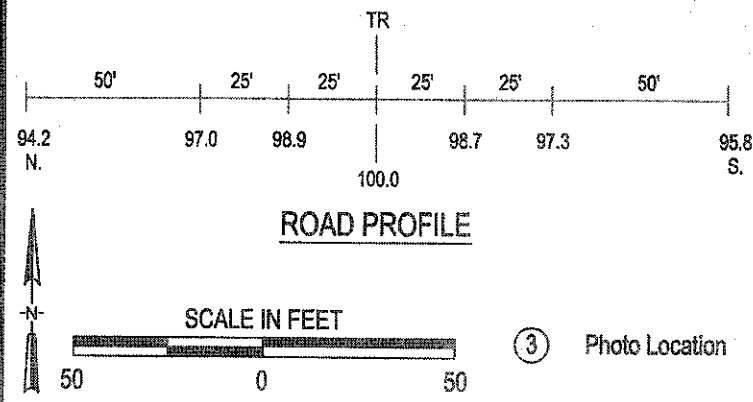
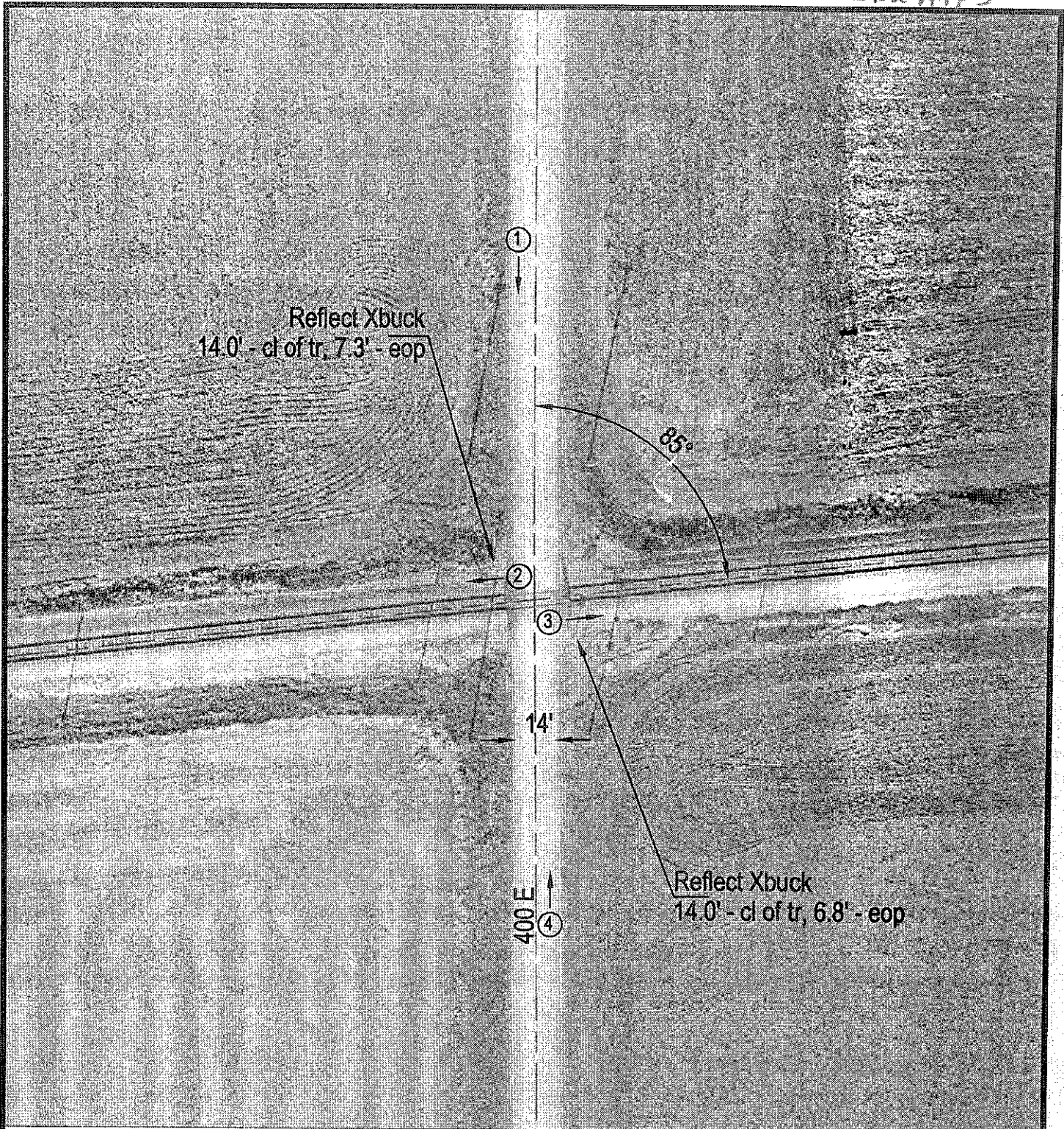
DIRECTION/NORTH			DIRECTION/SOUTH		
DISTANCE (FT)	ELEVATION (FT)	GRADE (%)	DISTANCE (FT)	ELEVATION (FT)	GRADE (%)
25	99.0	4.0	25	99.0	4.0
50	98.8	0.8	50	98.2	3.2

Distance measured from outermost rail.

COMMENTS:

Norfolk Southern Railway's ball park estimate for new automatic warning devices is \$170,000; the Township's estimate for highway approach improvements is \$12,000. Township will pay for approaches and maintain same but will pay nothing for automatic flashing light signals and gates (afls&g). Grade Crossing Protection Funds (GCPF) will pay 95% for afls&g and NS will pay remaining and maintain same.

Page three will be the Location Sketch (Aerial Photo) of the crossing.



Crossing #: 479889U
 Location: Vermillion Co., City of Fairmount (N)
 Lat/Long: 40°02'38" / 87°51'46"
 Railroad: NS
 Street: 400 E
 Railroad Milepost: 316.33
 Crossing Protection: Signs



Exh B, p1
20-Mar-06

Detailed Estimate for Grade Crossing Warning Devices

City/State: FAIRMOUNT, IL

MilePost: D-316.33

State Proj. No.:

S&E Proj. No.: 04.0016

Man Days: 96

Road: TR-54

DOT/AAR: 479889U

County: VERMILION

AFE: F03210

File Number: 061-04.0559

Purchases - Others	
Meals and Lodging:	\$9,032.60
Rental of Equipment:	\$19,747.20
(2 Trucks, 1 Backhoe w/ Trailer and 1 Pipe-Pusher for 24 Days)	
Construction Supervision Vehicle:	\$1,579.78
Purchases - Other Total:	\$30,359.58
Material And Additives	
Material Cost:	\$70,611.00
Sales and Use Tax:	\$3,531.00
Material Handling Freight:	\$3,530.56
Material Total:	\$77,672.56
Labor And Additives	
Labor Cost:	\$23,232.00
(4 man crew at \$968.00 a day for: 24 days)	
Payroll Tax & Overheads:	\$22,918.37
Preliminary Engineering:	\$8,258.20
Construction Supervision:	\$6,558.39
Labor Total:	\$60,966.96
Project Cost:	\$168,999.10
Scrap / Salvage Credit:	\$0.00
Project Total:	\$168,999.10

Estimated on: 20-Mar-06

Estimated by: ndr3j

Estimate valid for 1 year from date of estimate



Norfolk Southern Railway

Highway Crossing Signalization Program - Material List

Do not substitute items without permission from S & E Engineering

City:	FAIRMOUNT
Road:	TR-54
Mile Post:	D-316.33
Drawing Number:	LFDS31633
State Project Number:	
County:	VERMILION
A A R Number:	479889U
Project Number:	04.0016
File Number:	061-04.0559
A F E Number:	F03210
Store Number:	
Supervisor:	B.E. LANE
Tax Code:	1200
Vendor to supply the following copies after pricing: 1 Set - Material Management with original Invoice 2 Sets - with plans shipped in car with material 1 Set - S&E Gen. Supt. Construction w/copy of invoice	

P.O. Number:

Date Required:

Date Shipped:

Qty.	Class-Item-CD	UI	Price per Item	Total Price	Item Description	Quantity Shipped	Quantity Installed Date Quan.	Quantity Returned (Credit)	Special Instructions
3	670-360693-4	EA	\$5.04	\$15.12	AAR/DOT NUMBER PLATE/DECAL, ORDER 3 PER PROJECT. 60 DAY LEAD TIME. SUPPLIED BY STRAN.				
1	165-006505-4	EA	\$1,051.54	\$1,051.54	AC SERVICE, COMPLETE LESS METER BASE, ASSEMBLED ON 30' POLE				
2	670-119241-4	EA	\$32.80	\$65.60	ARRESTOR, LIGHTNING HEAVY DUTY CLEAR VIEW SAFETRAIN 022585-1X				
13	105-871901-4	EA	\$161.57	\$2,100.41	BATTERY, GNB 265AH MODEL 50A11 SINGLE CELL 2.25 VOLTS				
2	670-980689-4	EA	\$35.86	\$71.71	BRACKET HIGH WIND, (RIGID 3"), WIG- 191036, WALRUS TUSK TYPE				
2	670-561375-4	EA	\$1,197.90	\$2,395.80	BRACKET, GATE SAVER, NEG385102GS, SPRING LOADED SWING AWAY ADAPTER FOR FIBERGLASS/ALUMINUM GATES, USE WITH GATE 28' AND LESS				
1	670-356949-4	EA	\$97.00	\$97.00	CABLE, 10' GENERATOR HOOK UP, SERRMI P/N 40524, FEMALE CONNECTOR				
300	465-292862-4	LF	\$1.04	\$312.00	CABLE, U-2-6 TWISTED, S-23 OKONITE 113-12-3933 SOLID TINNED CONDUCTOR				
300	465-292945-4	LF	\$1.35	\$2,430.00	CABLE, U-5-14, S-54 OKONITE 206-14-6885				
300	465-292929-4	LF	\$3.05	\$915.00	CABLE, U.G. 5 COND. NO. 6 AWG SOLID COPPER CABLE TO MEET NS CORP. SPEC. FOR SIGNAL				
300	465-939422-4	LF	\$2.55	\$765.00	CABLE, UG 12 CONDUCTOR NO 14 AWG SOLID EACH CONDUCTOR WITH 5/64 IN INSULATION 10 MIL				
300	465-791835-4	FT	\$2.22	\$666.00	CABLE, UG AC ENTRANCE 3C#6-7X OKONITE FMF-L 094-078 TR W/G 1 X 8 7X W010 BRZ TAPE 600V PRODUCT CODE 206-11-6070				
80	165-544477-4	FT	\$2.55	\$204.00	CONDUIT, 4"x10' PVC, SCHEDULE 80 BELL CONNECTOR AT ONE END, 1/2 PT. GLUE IN KIT 670-123298-4				
30	670-100000-4	EA	\$2.00	\$60.00	CONDUIT, PRE-EMPTION - STATE OF ILLINOIS, 4" x 10' PVC				
2	670-090450-4	EA	\$50.38	\$100.76	CONNECTOR, WELDED FAR RAIL HARMON A1000-2W				
2	670-486646-4	EA	\$41.62	\$83.24	CONNECTOR, WELDED NEAR RAIL HARMON A1000-1W				
2	670-793404-4	EA	\$838.37	\$1,676.74	COUNTERWEIGHT PKAGE, 17-24 GATE STRAN S- MECH ONLY, STAINLESS, TO INCLUDE HUB, SUPPORT ARMS				
4	670-760012-4	EA	\$40.02	\$160.08	COVER, FOR 1 WAY FLASHING LIGHT ASSY. 18 OZ. BLACK VINYL COATED NYLON. ===TO COVER 2 LAMPS===				

APPROVED BY STATE

APPROVED BY RAILROAD

CAR NUMBER

SEAL NUMBER

Erh B.P.

Qty.	Class-Item-CD	UI	Price per Item	Total Price	Item Description	Quantity Shipped	Quantity Installed Date Quan.	Quantity Returned (Credit)	Special Instructions
1	670-986650-4	EA	\$375.69	\$375.69	DISPOSAL, CONSTRUCTION DEBRIS AND CLEANING X'ING EQUIPMENT CONTAINER				
1	670-000004-4	EA	\$700.00	\$700.00	FCC LICENSE FOR MONITOR/RADIO				
5	670-000003-4	EA	\$255.85	\$1,279.25	FILL/STONE #57, QUANTITY IS BASED ON TRUCK LOAD PLUS DELIVERY COST				
1	670-012724-4	EA	\$289.30	\$289.30	FILTER, ELECTRO CODE 156HZ REJECTION PART # TF-156				
2	670-015231-4	EA	\$423.50	\$847.00	FOUNDATION, DIXIE, S-2 GATE 56" ASSEMBLED				
2	670-257031-4	EA	\$297.88	\$595.76	GATE, ARM FIBERGLASS-ALUMINUM 17-24 FT., INCLUDES GATE GUARD FOR GATE LIGHT CABLE, NEG P/N 8002-244NFS/CG				
1	670-930665-4	EA	\$43.57	\$43.57	INDUCTOR, SIMULATED TRACK SAFETRAN 8V617-1400				
1	670-477991-4	EA	\$317.90	\$317.90	KIT, GROUNDING ASSY FOR AL I/S INCLUDES 8 GRD RDS, 200 #4 WIRE, 12 4 WIRE ONE-SHOTS. ERICO SBK206				
1	670-123298-4	EA	\$256.93	\$256.93	KIT, HARDWARE SUPPLIES REQUIRED X'ING P'CKAGES. WEB CONNECTORS FOR SHUNT(8EA) TAPE, AMPS, P/GUM PAINT, SLEEVES, TAGS, GLUE, 100 EA WHITE TAGS, JNE CAN BLUE MARKING PAINT ETC...				
1	670-764166-4	EA	\$907.65	\$907.65	LAMP ASSY, 5" MAST MTG. 2W IND. 20" BKGRD, FLX-12 W/BULB S'TRAN #042003-487XNS				
5	165-643547-4	EA	\$4.30	\$25.80	LAMP, 18 WATT 10 VOLT S-11 SC BAY 18S11/1SC CLEAR RWY SIGNAL UJ-71463 GE				
5	670-440826-4	EA	\$1.01	\$5.05	LINK, SAFETRAN 024620-1X INSL TESTING COMP 1 IN CENTER SIGNAL CIRCUITS CR 02-286662				
4	255-590880-4	EA	\$16.12	\$64.48	LOCK, AMERICAN LOCK MODEL H-10KA KEYED ALIKE TO PRIVATE KEYWAY D456 AND STAMPED "NS SIG"				
2	670-637778-4	EA	\$1,031.41	\$2,062.82	MAST, 5" ALUMINUM 13'10" WITH DOUBLE JCT. BOX BASE. S'TRAN P# 070519-11AX.				
2	670-521147-4	EA	\$2,932.81	\$5,865.62	MECHANISM, GATE MODEL S40, WITH CONTACT HEATER, COMPLETE W/RELAY S'TRAN # 074000-W00090				
2	670-014233-4	EA	\$981.85	\$1,963.70	MODULE, DAX FOR 3000 GCP SAFETRAN #80016				
2	670-001347-4	EA	\$63.27	\$126.54	PACKAGE, HARDWARE SIGN 5 IN. MOUNTING, SERRMI A1250-5, HARMON @200965-000, OR				

APPROVED BY STATE

APPROVED BY RAILROAD

CAR NUMBER

SEAL NUMBER

EKH B, p4